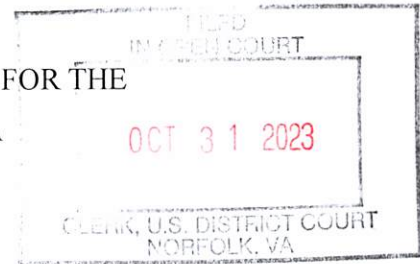


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



UNITED STATES OF AMERICA

v.

Case No. 2:18cr179

Michael Demetrius Atkins,

Defendant.

STATEMENT OF FACTS

The United States and the defendant, MICHAEL DEMETRIUS ATKINS (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about October 20, 2018, Officers with the Portsmouth Police Department were patrolling an area of Elliott Avenue and Deep Creek Boulevard in Portsmouth, Virginia, in the Eastern District of Virginia, when they observed a grey in color Mercedes making a wide right turn at a high rate of speed. Officers turned around and followed the vehicle to a nearby apartment complex, increasing speed to catch up to the vehicle.

2. Once at the apartment complex, officers initiated a traffic stop. The defendant was the driver and the sole occupant of the Mercedes. The defendant got out of the driver's seat, left the vehicle, and started to walk away. Officers followed the defendant into a nearby swamp. As a result of the defendant's behavior toward the officers in the swamp, he was charged with several offenses against law enforcement officers and ultimately pleaded guilty in Circuit Court in Portsmouth, Virginia to Assault in violation of Virginia Code § 18.2-57 and Fleeing from a Law Enforcement Officer in violation of Virginia Code § 18.2-460. Officers were eventually able to take the defendant into custody.

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3. When officers returned the vehicle the defendant had been driving, they observed a firearm sticking out of the center console next to the driver's seat in plain sight. The firearm was an Imbel, Model Ultra Compact, pistol, .45 caliber, serial number LW419837. The defendant knowingly possessed this firearm in the Mercedes vehicle at the time of the traffic stop.

4. At the time of his possession of the firearm, the defendant had been previously convicted of an offense that is punishable by a term of imprisonment exceeding one year.

5. The defendant knew before possessing the firearm on October 20, 2018 that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, and he knew that he was not allowed to possess firearms.

6. The defendant also knew that his civil rights, including the right to possess a firearm, had not been restored prior to possessing the firearm.

7. The Imbel, Model Ultra Compact, pistol, .45 caliber, serial number LW419837 recovered by law enforcement was manufactured outside of the Commonwealth of Virginia and had been transported in interstate and foreign commerce.

8. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

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9. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: October 24, 2023

By: _____

Alyssa K. Miller
Alyssa K. Miller
Special Assistant United States Attorney


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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, MICHAEL DEMETRIUS ATKINS, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Michael Demetrius Atkins

I am Andrew W. Grindrod, defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Andrew W. Grindrod
Attorney for MICHAEL DEMETRIUS ATKINS


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